

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MIDAS FUND, INC.

Plaintiff,

- against -

GAMMON GOLD, INC., FRED GEORGE, BRADLEY  
LANGILLE, RUSSEL BARWICK, COLIN  
SUTHERLAND, BMO NESBITT BURNS INC.,  
SCOTIA CAPITAL INC., and TD SECURITIES INC.

Defendants.

Index No. 7 CV 6707 (NRB)

AFFIDAVIT OF SERVICE UPON  
SCOTIA CAPITAL INC.

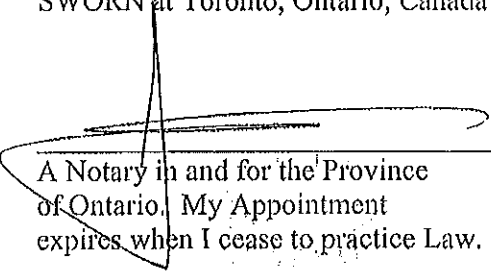
I, Elliot Alay, Process Server and Agent for the Bouchard Group of Companies, located at 220 Hunt Club Road, Unit 4, Ottawa, Ontario K1V 1C1, Canada, do hereby make oath and do solemnly swear:

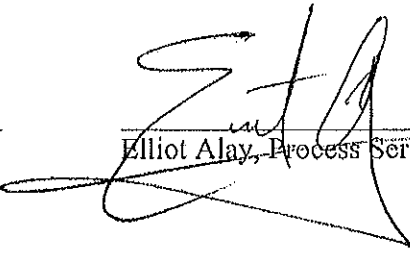
1. That I am over the age of 21 and a non-party to this action and am authorized to serve process in Canada;
2. That on or about October 27, 2007, I was instructed by my manager, Ginette Bouchard, in turn instructed by Legal Language Services, an international litigation support firm located in Leawood, Kansas, in turn instructed by plaintiff's attorneys Guzov Ofsink LLC to serve upon defendant Scotia Capital Inc. the following documents filed in the present action:
  - Hague Service Convention "Notice"
  - Hague Service Convention "Summary of the Document to be Served" with Attachment "A"
  - Amended Summons in a Civil Action
  - Second Amended Complaint
  - Rule 7.1 Statement
  - Individual Practices of Naomi Reice Buchwald
  - 3<sup>rd</sup> Amended Instructions for Filing an Electronic Case or Appeal
  - Procedures for Electronic Case Filing
  - Guidelines for Electronic Case Filing

3. That according to research performed by the Bouchard Group of Companies, Scotia Capital Inc.'s registered address is 40 King Street West, 66<sup>th</sup> Floor, Toronto, Ontario, Canada M5W 2X 6 Canada (See Scotia Capital Inc.'s Ontario Corporation Profile Report, attached hereto as Exhibit A);
4. That on October 30, 2007 at approximately 12:50 P.M., I did travel to 40 King Street West, 66<sup>th</sup> Floor, Scotia Plaza in Toronto where I met with a woman who identified herself as Gina Yee, Legal Counsel for Scotia Capital Inc.;
5. That Ms. Yee confirmed to me she was authorized to accept service of process on behalf of Scotia Capital Inc. and I handed her the above-referenced documents, which she accepted, and said, "You are served with legal process on behalf of Scotia Capital Inc.";
6. That Ms. Yee is a female of Asian descent, approximately 30 years old, 5'1" tall, 125 pounds, with black hair, and brown eyes;
7. That I believe service to have been effected upon defendant Scotia Capital Inc. in accordance with a method prescribed by the internal laws of Ontario, Canada for civil matters within the jurisdiction and thus in accordance with Article 10(b) of the *Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* and in compliance with the laws of the United States.

I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and accurate to the best of my knowledge and belief.

SWORN at Toronto, Ontario, Canada before me on this day 12 of November 2007.

  
A Notary in and for the Province  
of Ontario. My Appointment  
expires when I cease to practice Law.

  
Elliot Alay, Process Server